

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL EDWARDS,)
vs.)
Plaintiff,)
vs.) CIVIL NO. 09-cv-292-MJR
DR. OBADINA, *et al.*,)
Defendants.)

MEMORANDUM AND ORDER

REAGAN, District Judge:

This matter is before the Court on Plaintiff's motion for relief from final order (Doc. 42). Plaintiff filed a prisoner civil rights complaint (Doc. 1) which this Court dismissed pursuant to 28 U.S.C. § 1915A. *See* (Docs. 7 and 8).

Plaintiff filed a notice of appeal (Doc. 9) with respect to this Court's dismissal of his complaint. This appeal was assigned Case No. 09-3988 by the Seventh Circuit Court of Appeals. Plaintiff also requested leave to proceed *in forma pauperis* with respect to this appeal (Doc. 14). This Court denied Plaintiff leave to proceed *in forma pauperis* on appeal with respect to Case No. 09-3988. *See* (Doc. 18). The Seventh Circuit, however, determined that this Court had improperly denied Plaintiff leave to proceed *in forma pauperis* on appeal with respect to Case No. 09-3988. *See* (Doc. 35). Accordingly, the Seventh Circuit Court of Appeals granted Plaintiff leave to proceed *in forma pauperis* on appeal with respect to Case No. 09-3988 and directed this Court to assess and collect an initial partial filing fee. *Id.* As directed by the Court of Appeals, this Court assessed an initial partial filing fee of \$15.13 (Doc. 38) which Plaintiff

paid on or about July 15, 2010. This Court's records reveal that Case No. 09-3988 is still pending before the Court of Appeals.

Inexplicably and unnecessarily, Plaintiff also filed two more notices of appeal in this case. *See* (Docs. 20 and 29). These additional notices of appeal were assigned the following case numbers by the Seventh Circuit Court of Appeals: 10-1413 and 10-1630. Plaintiff sought leave to proceed *in forma pauperis* with respect to Case No. 10-1413, *see* (Doc. 21), but not Case No. 10-1630. This Court denied Plaintiff's motion to proceed *in forma pauperis* on appeal with respect to Case No. 10-1413. *See* (Doc. 25). The Seventh Circuit ultimately dismissed both Case No. 10-1413 and Case No. 10-1630. *See* (Docs. 37 and 41).

Because Plaintiff's appeal from this Court's Orders dismissing his complaint (Docs. 7 and 8) are currently pending before the Seventh Circuit of Appeals as Case No. 09-3988; because the Seventh Circuit Court of Appeals granted Plaintiff leave to proceed *in forma pauperis* on appeal with respect to Case No. 09-3988; and because Plaintiff has paid the initial filing fee assessed by this Court for Case No. 09-3988, Plaintiff's motion for relief from final order (Doc. 42) is **DENIED** as moot.

IT IS SO ORDERED.

DATED this 5th day of October, 2010.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge